

Message Text

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ORIGIN EB-11

INFO OCT-01 EUR-25 IO-14 ISO-00 TRSE-00 CIAE-00 COME-00

DODE-00 DOTE-00 FMC-04 INR-10 NSAE-00 RSC-01 CG-00

COA-02 DLOS-07 SWF-02 L-03 PM-07 NSC-07 SP-03 SS-20

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TO USMISSION OECD PARIS

INFO USMISSION GENEVA

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E.O. 11652: N/A

TAGS: ETRN, OECD, UNCTAD

SUBJECT: OECD MARITIME TRANSPORT COMMITTEE SPECIAL GROUP

ON UNCTAD JUNE 25-28: CODE OF CONDUCT FOR LINER

CONFERENCES

1. THE FOLLOWING IS GUIDANCE FOR U.S. REP ON AGENDA ITEM
3 OF SUBJECT MEETING, FOLLOW-UP IN OECD ON U.N. CONFERENCE
ON LINER CONFERENCE CODE.

2. BEARING ON OECD LIBERALIZATION CODE (ITEM 3A). IN
LIGHT OF IMPENDING COUNCIL CONSIDERATION THIS SUBJECT
(JUNE 27) IT NOT CLEAR HOW SPECIAL GROUP WILL ADDRESS THIS
ITEM. ON QUESTION OF ACTIONS BY INVISIBLES COMMITTEE AND
COUNCIL, U.S. REP SHOULD BE GUIDED BY STATE 116600,
122510, 131491 AND FORTHCOMING CABLE INSTRUCTION FOR
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JUNE 27 COUNCIL.

3. IN ANY UNDERTAKING BY SPECIAL GROUP OR MTC, U.S. REP SHOULD ALSO BEAR IN MIND THAT SPECIFIC U.S. OBJECTIVES ARE: A) FINDING OF INCOMPATIBILITY BETWEEN THE TWO CODES BY THE INVISIBLES COMMITTEE, AND B) AGREEMENT OF OECD MEMBER COUNTRIES NOT TO TAKE ANY ACTION TO SIGN LINER CONFERENCE CONVENTION UNTIL OECD HAS REACHED FINAL CONCLUSIONS ON INCOMPATIBILITY ISSUE. IN SEEKING THESE OBJECTIVES U.S. TACTICS MUST BE INFLUENCED BY FOLLOWING:

1) U.S. ALONE HAS RESERVATIONS ON NOTE 1 OF LIBERALIZATION CODE; 2) SOME OTHER OECD COUNTRIES REFUSE TO ADMIT ANY DISTINCTION BETWEEN LINER CONFERENCE CODE PROVISIONS ON CARGO-SHARING AND EXISTENCE IN U.S. TRADES OF: A) FMC-APPROVED BILATERAL POOLING AND EQUAL ACCESS AGREEMENTS BETWEEN U.S. AND INDIVIDUAL LATIN AMERICAN CARRIERS, AND B) U.S.-USSR MARITIME AGREEMENT CARGO-SHARING PROVISIONS.

4. IN LIGHT OF INTERIM REPORT BY INVISIBLES COMMITTEE, C(74)122, IT APPEARS THAT MTC WILL HAVE TO ASSIST SUBSTANTIALLY IN PROVIDING BACKGROUND INFORMATION, ESPECIALLY REGARDING CURRENT CONFERENCE PRACTICES AND THEIR RELATIONSHIP TO OECD CODE. U.S. DEL SHOULD SUPPORT PROVISION OF COOPERATION AS MAY BE REQUIRED FROM MTC IN ORDER TO PERMIT IC TO CARRY OUT MANDATE CONTAINED IN C(74)122.

5. ISSUES ARISING FROM CONVENTION ON THE CODE (ITEM 3B). WE CONSIDER SECRETARIAT DOCUMENT (DAF/MTC/74.29) REFLECTS CONSIDERABLE EFFORT TO ORGANIZE APPROACH TO THIS EXERCISE. REGARDING FIRST QUESTION POSED BY SECRETARIAT DOCUMENT, WE CAN ACCEPT SECRETARIAT APPROACH OF CLASSIFYING INTERNATIONAL ISSUES ON BASIS MAINLY OF PARTIES INVOLVED. THIS DOES HOWEVER RESULT IN SOME OVERLAP AS CATEGORY 3 (PROBLEMS OF INTERPRETATION OF CODE) APPEAR TO BE LARGELY SUBSUMED UNDER INTERNATIONAL ISSUES LISTED IN CATEGORY 1. ANOTHER APPROACH, PERHAPS BETTER FACILITATING ANALYSIS, WOULD BE TO CLASSIFY ISSUES ACCORDING TO POTENTIAL CONFLICT, I.E. WHETHER OF INTERPRETATION, LIMITED OFFICIAL USE

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JURISDICTION, OR ECONOMIC INTEREST. HERE AGAIN SOME OVERLAP IS INEVITABLE. NOT KNOWING VIEWS OF OTHER DELEGATIONS, WE LEAVE IT TO USDEL TO USE OWN DISCRETION IN SUPPORTING MOST APPROPRIATE APPROACH.

6. IN EVENT SECRETARIAT APPROACH IS ACCEPTED, WE HAVE FOLLOWING SPECIFIC COMMENTS:

(A) UNDER CATEGORY 1.13, FURTHER DISTINCTION COULD USEFULLY BE MADE ACCORDING TO WHETHER THE CONFERENCE SHIPPING LINES WERE SERVING A CONTRACTING OR NON-CONTRACTING STATE. IT COULD ALSO INCLUDE SITUATION IN WHICH CONFERENCE RANGE OF PORTS INCLUDED BOTH CONTRACTING AND NON-CONTRACTING STATES.

(B) CATEGORIES 1.14, .15, .16 SHOULD BE MADE MORE PRECISE BY DISTRINGUISHING WHICH OF PARTIES (CONFERENCE LINES, OUTSIDERS, SHIPPERS, ETC.) BELONG RESPECTIVELY

TO CONTRACTING AND NON-CONTRACTING STATE.

(C) AS CATEGORY 2 APPLIES TO NATIONAL PROBLEMS, IT SHOULD RECEIVE LESSER PRIORITY IN WORK PROGRAM THAN CATEGORY 1 WHICH DEALS WITH INTERNATIONAL ISSUES. ISSUES LISTED IN CATEGORY 2 MIGHT BEST BE HANDLED ON BASIS OF EXCHANGE OF INFORMATION OF HOW NATIONAL GOVERNMENTS ADDRESS THESE PROBLEMS.

(D) WITHOUT FURTHER EXPLANATION, CATEGORIES 3 AND 4 APPEAR SUPERFLUOUS.

(E) WE THINK THAT EXAMPLES IN SECOND COLUMN HELP TO EXPLAIN MEANING ITEMS LISTED IN FIRST COLUMN, BUT IT SHOULD BE MADE CLEAR THESE ARE NOT INTENDED TO BE ALL-INCLUSIVE. KISSINGER

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Message Attributes

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Draft Date: 21 JUN 1974
Decaption Date: 01 JAN 1960
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Disposition Approved on Date:
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Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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